

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chairman John Esp, on February 18, 2009 at
3:00 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. John Esp, Chairman (R)
Sen. Jeff Essmann, Vice Chairman (R)
Sen. Gregory D. Barkus (R)
Sen. Ron Erickson (D)
Sen. Steven Gallus (D)
Sen. Kim Gillan (D)
Sen. Jesse Laslovich (D)
Sen. Bruce Tutvedt (R)

Members Excused: Sen. Verdell Jackson (R)

Members Absent: None.

Staff Present: Leanne Heisel, Legislative Branch
Debra Polhemus, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 231, 1/15/2009; SB 433,
2/11/2009; SB 434, 2/11/2009; SB
448, 2/12/2009

Executive Action: SB 231 ~ Do Pass
SB 448 ~ Do Pass As Amended
SB 310 ~ Do Pass As Amended
SB 369 ~ Do Pass As Amended
SB 305 ~ Do Pass As Amended

HEARING ON SB 448

Opening Statement by Sponsor:

00:01:07 Sen. Jim Keane (D), SD 38, opened the hearing on
SB 448, Allow county commissioner to perform marriage.

Proponents' Testimony:

00:02:33 Bill Kennedy, Yellowstone County Commissioner

00:03:47 Jim Reno, Yellowstone County Commissioner

EXHIBIT(los38a01)

00:05:08 John Ostlund, Yellowstone County Commissioner

Opponents' Testimony:

00:05:28 Larry Carver, Justice of the Peace, Judith Basin
County, representing Montana Magistrates' Association
(MMA)

EXHIBIT(los38a02)

00:10:54 Johnny Seiffert, President, MMA

00:11:36 Mary Phippen, representing MMA

Informational Testimony: None

Questions from Committee Members and Responses:

00:12:21 Chairman Esp

00:12:35 Sen. Tutvedt

00:12:57 Sen. Keane

00:13:47 Sen. Barkus

00:15:24 Bill Kennedy

00:16:09 Sen. Gallus

00:16:34 Larry Carver, MMA

00:17:09 Sen. Erickson

00:17:25 Larry Carver

Closing by Sponsor:

00:18:01 Sen. Keane

HEARING ON SB 231

Opening Statement by Sponsor:

00:19:01 Sen. Rick Laible (R), SD 44, opened the hearing on
SB 231, Revise the impact fee enabling act to require
service area report.

Proponents' Testimony:

00:23:34 Glenn Oppel, representing the Montana Association of Realtors (MAR)

EXHIBIT (los38a03)

00:26:21 Tim Davis, Montana Smart Growth Coalition

00:26:41 Alec Hansen, representing Montana League of Cities and Towns

00:27:38 Former U.S. Representative Rick Hill, representing Montana Building Industry Association (MBIA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:28:55 Sen. Laible

00:29:28 Recess

00:31:50 Reconvene

HEARING ON SB 434

Opening Statement by Sponsor:

00:32:03 Sen. Kelly Gebhardt (R), SD 23, opened the hearing on SB 434, Limit governmental liability for rodeo events.

Proponents' Testimony:

00:33:21 Jim Reno, Yellowstone County Commissioner

00:34:35 John Ostlund, Yellowstone County Commissioner

00:35:57 L. Harold Blattie, Montana Association of Counties (MACo)

Opponents' Testimony:

00:36:41 Al Smith, representing Montana Trial Lawyers Association (MTLA)

Informational Testimony: None

Questions from Committee Members and Responses:

00:41:17 Sen. Erickson
00:41:45 L. Harold Blattie, MACo
00:42:36 Sen. Gillan
00:42:54 Jim Reno
00:44:19 Sen. Essmann
00:44:48 Al Smith, MTLA
00:48:35 Chairman Esp
00:50:59 Sen. Barkus
00:51:47 Al Smith
00:52:30 Sen. Gallus
00:53:31 L. Harold Blattie

Closing by Sponsor:

00:56:07 Sen. Gebhardt

HEARING ON SB 433

Opening Statement by Sponsor:

00:57:53 Sen. Kelly Gebhardt (R), SD 23, opened the hearing on
SB 433, Revise opencut mining laws.

[EXHIBIT\(los38a04\)](#)

Proponents' Testimony:

01:01:04 Ron Pike, President, Sime Construction, Bozeman, also
President, Montana Contractors Association

[EXHIBIT\(los38a05\)](#)

[EXHIBIT\(los38a06\)](#)

01:04:49 Mike Newton, Fisher Sand and Gravel, operating out
of Glendive, Billings and Livingston also member of
Montana Contractors Association

[EXHIBIT\(los38a07\)](#)

[EXHIBIT\(los38a08\)](#)

01:09:53 Matt Jesson, Livingston resident

01:10:39 Jerry Bowser, Environmental Manager, Oldcastle
Materials

01:13:48 Basil Jacobson, United Materials, Great Falls

01:14:31 Bob Warren, Schellinger Construction, Kalispell

01:16:36 Paul Thompson, Engineer, Gilman Construction, Butte

01:20:54 Mike Sharp, Prince, Inc., Forsyth

01:23:08 Cary Hegreberg, Executive Director, Montana
Contractors' Association (MCA)

01:24:45 Chairman Esp left the hearing and Sen. Gillan assumed
the Chair responsibilities.

Opponents' Testimony:

01:25:01 Myra L. Shults, representing MACo

EXHIBIT(los38a09)

01:31:58 John Alke, representing Knife River Construction
Company

EXHIBIT(los38a10)

01:39:28 Carol Lee-Roark, representing Gateway Open Cut Mining
Group

EXHIBIT(los38a11)

EXHIBIT(los38a12)

*Exhibit 12 removed due to objection raised by committee
members.*

01:44:52 Jean Riley, Engineer, Gallatin Gateway resident

01:46:42 Don Seifert, Bozeman resident

01:50:06 Linda Stoll, representing Missoula County and Montana
Association of Planners

01:51:58 Alrick Hale, Vice President and General Manager, Knife
River Construction, Kalispell

EXHIBIT(los38a13)

01:53:06 Dave Zinke, Knife River Construction, Missoula

01:53:22 Karl Hapcic, Gallatin Gateway area resident

01:54:13 Robert LaRue

01:55:10 Jackie Flikkema, Environment & Resource Manager, Knife
River

EXHIBIT(los38a14)

01:55:36 Chairman Esp returned to the hearing.

Informational Testimony:

01:55:42 Judy Hanson, Administrator, Permitting And Compliance
Division, Dept Environmental Quality (DEQ)

01:56:54 Kent Wilcox, Legislative Audit Division (LAD)

Questions from Committee Members and Responses:

01:57:12 Chairman Esp

01:57:32 Sen. Gebhardt

EXHIBIT(los38a15)

01:57:39 Leanne Heisel, Legislative Services Division (LSD)

01:59:25 Sen. Barkus

01:59:33 Alrick Hale, Knife River Construction

01:59:52 Sen. Barcus

02:00:02 Corey Hegreberg, MCA

02:00:49 Sen. Erickson

02:01:07 Sen. Gebhardt

02:02:32 Sen. Erickson

02:03:41 Sen. Gebhardt

Questions from Committee Members and Responses: (Con't)

02:04:59 Sen. Erickson
02:05:31 Jan Hanson, DEQ
02:07:07 Sen. Gillan
02:08:16 Myra L. Shults, MACo
02:10:09 Sen. Tutvedt
02:10:28 Corey Hegreberg
02:11:40 Sen Tutvedt
02:11:53 Jan Hanson
02:13:07 Sen. Essmann
02:15:12 Myra L. Shults
02:19:34 Sen. Tutvedt
02:19:58 Myra L. Shults
02:23:01 Sen. Barkus
02:23:32 Myra L. Shults
02:25:43 Chairman Esp
02:26:09 John Alke
02:26:36 Chairman Esp
02:27:16 Don Seifert
02:27:50 Sen. Erickson
02:28:27 Myra L. Shults

Closing by Sponsor:

02:29:40 Sen. Gebhardt

Committee Business:

02:34:06 Sen. Barcus
02:34:43 Chairman Esp

02:34:59 Sen. Jackson returned to the hearing.

EXECUTIVE ACTION ON SB 231

02:35:13 **Motion/Vote:** Sen. Erickson moved that **SB 231 DO PASS.**
Motion carried unanimously by voice vote with Sen.
Gallus voting by proxy.

EXECUTIVE ACTION ON SB 448

02:36:09 **Motion:** Sen. Essmann moved that **SB 448 DO PASS.**

02:36:15 **Motion:** Sen. Essmann moved to amend SB 448 with a
conceptual amendment to remove subsection 5 parts a and
b in Section 1. (See Exhibit 1)

Discussion:

02:37:33 Sen. Laslovich

02:36:49 **Vote:** Motion carried unanimously by voice vote with Sen. Gallus voting by proxy.

02:37:16 **Motion:** Sen. Essmann moved that **SB 448 DO PASS AS AMENDED.**

Discussion:

02:37:54 Chairman Esp

02:38:07 Sen. Laslovich

02:38:14 Sen. Gillan

02:38:38 **Vote:** Motion carried 7-2 by voice vote with Sens. Jackson and Laslovich voting no with Sen. Gallus voting by proxy.

EXECUTIVE ACTION ON SB 310

02:39:40 **Motion:** Sen. Essmann moved that **SB 310 DO PASS.**

02:39:51 **Motion:** Sen. Essmann moved that **SB 310 BE AMENDED.**
EXHIBIT(los38a16)

Discussion:

02:40:42 Chairman Esp

02:40:49 Leanne Heisel, LSD

02:41:32 Sen. Tutvedt

02:41:47 Leanne Heisel

02:42:01 Sen. Erickson

02:42:18 **Vote:** Motion carried unanimously by voice vote with Sen. Gallus voting by proxy.

02:42:35 **Motion/Vote:** Sen. Essmann moved that **SB 310 DO PASS AS AMENDED.** Motion carried 8-1 by voice vote with Sen. Erickson voting no and Sen. Gallus voting by proxy.

EXECUTIVE ACTION ON SB 369

02:44:16 **Motion:** Sen. Essmann moved that **SB 369 DO PASS.**

02:44:23 **Motion/Vote:** Sen. Essmann moved that **SB 369 BE EXHIBIT(20) AMENDED.** Motion carried unanimously by voice vote with Sen. Gallus voting by proxy.
EXHIBIT(los38a17)

02:45:09 **Motion:** Sen. Essmann moved that **SB 369 DO PASS AS AMENDED.**

Discussion:

02:45:20 Sen. Erickson

02:45:34 Chairman Esp

02:45:57 **Vote:** Motion carried unanimously by voice vote with Sen. Gallus voting by proxy.

EXECUTIVE ACTION ON SB 305

02:47:07 **Motion:** Sen. Tutvedt moved that **SB 305 DO PASS.**

02:47:16 **Motion:** Sen. Tutvedt moved that **SB 305 BE AMENDED.**
EXHIBIT(los38a18)

Discussion:

02:48:00 Sen. Tutvedt

02:48:30 Leanne Heisel, LSD

02:51:19 Sen. Gillan

02:51:31 Sen. Tutvedt

02:53:21 Sen. Erickson

02:53:46 Sen. Tutvedt

02:54:30 Chairman Esp

02:54:53 Sen. Gillan

02:55:41 Chairman Esp

02:55:49 Leanne Heisel

02:56:32 Sen. Gillan

02:56:55 Myra L. Shults

02:58:04 Sen. Tutvedt

02:58:13 Glen Oppel, representing Montana Association of Realtors

02:58:43 Sen. Tutvedt

02:59:05 **Vote:** Motion failed 4-5 by roll call vote with Sens. Barkus, Essmann, Jackson, and Tutvedt voting aye with Sen. Gallus voting by proxy.

Discussion:

03:00:17 Chairman Esp

03:00:47 **Motion:** Sen. Essmann moved that **SB 305 BE AMENDED.**
EXHIBIT(los38a19)

Discussion:

03:01:01 Chairman Esp
03:01:32 Leanne Heisel, LSD
03:01:58 Sen. Gillan
03:02:19 Chairman Esp
03:02:59 Sen. Laslovich
03:03:16 Sen. Tutvedt

03:03:45 **Vote:** Motion carried unanimously by voice vote with
Sen. Gallus voting by proxy.

03:04:11 **Motion:** Sen. Tutvedt moved that **SB 305 DO PASS AS**
AMENDED.

Discussion:

03:04:21 Sen. Essmann
03:04:42 Leanne Heisel

03:05:34 **Motion:** Sen. Essmann moved that **SB 305 BE AMENDED.**
EXHIBIT(los38a20)

Discussion:

03:06:00 Sen. Essmann
03:06:55 Sen. Gillan
03:07:19 Leanne Heisel
03:07:48 Sen. Tutvedt

03:07:55 **Vote:** Motion carried unanimously by voice vote with
Sen. Gallus voting by proxy.

03:08:10 **Motion/Vote:** Sen. Tutvedt moved that **SB 305 DO PASS AS**
AMENDED. Motion carried unanimously by roll call vote
with Sen. Gallus voting by proxy.

Discussion:

03:08:55 Chairman Essmann
03:09:59 Sen. Erickson

ADJOURNMENT

Adjournment: 6:50 P.M.

Debra Polhemus, Secretary

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Additional Documents:

EXHIBIT ([los38aad.pdf](#))